IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION NO. 5:17-CR-11-1H

UNITED STATES OF AMERICA,	.)	
v.)	
JAMAAL RAY CURTIS,)	ORDER
Defendant.)	
)	

This matter is before the court on defendant's motion to suppress. Following an evidentiary hearing on June 13, 2017, United States Magistrate Judge Kimberly A. Swank entered a memorandum and recommendation (M&R) on October 10, 2017 recommending denial of the motion. The defendant filed objections, and this matter is ripe for adjudication. Under Rule 59(b) of the Federal Rules of Criminal Procedure, a district judge must consider "de novo any objection to the magistrate judge's recommendation."

Defendant objects to the M&R, noting factual and legal objections: (1) the Magistrate Judge should not have credited the unsupported and contradicted account regarding defendant's place of residence as providing reasonable suspicion to justify the search; and (2) the Magistrate Judge incorrectly found reasonable suspicion to support the search.

The court has carefully reviewed defendant's motion, the M&R and the objections and finds the objections to be without merit.

This court, having conducted a de novo review of the M&R and other documents of record, finds the recommendation of the magistrate judge is in accordance with the law and should be approved. The magistrate judge correctly found that defendant's privacy interest in the third party's residence does not, considering the totality of the circumstances, outweigh the government's interest in public safety and reducing recidivism among parolees. Therefore, the search of Lakesha Evans' home on December 13, 2016, was reasonable as regards defendant Curtis.

Accordingly, the court hereby adopts the recommendation of the magistrate judge as its own; and, for the reasons stated therein, the defendant's motion to suppress [DE #19] is hereby DENIED.

This ______ day of November 2017.

Malcolm J. Howard

Senior United States District Judge

At Greenville, NC #26